

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Douglas Pennoyer, Jr. :
vs. : CIVIL ACTION NO.
: :
Marriott Hotel Services, Inc. t/a and d/b/a Philadelphia Marriott :
Hotel; Marriott International, Inc.; Philadelphia Market Street :
Hotel Corp.; Philadelphia Market Street HMC Hotel Limited :
Partnership; Philadelphia Market Street Marriott Hotel LP; New :
Market Street, LP; HMC Market Street, LLC; Philadelphia Market :
Street Hotel II, L.P.; Market Street Host, LLC; and Market Street :
Marriott, LLC :
:

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA

Douglas Pennoyer, Jr. :
vs. : JUNE TERM, 2003
: : NO. 3184
: :
Marriott Hotel Services, Inc. t/a and d/b/a Philadelphia Marriott :
Hotel; Marriott International, Inc.; Philadelphia Market Street :
Hotel Corp.; Philadelphia Market Street HMC Hotel Limited :
Partnership; Philadelphia Market Street Marriott Hotel LP; New :
Market Street, LP; HMC Market Street, LLC; Philadelphia Market :
Street Hotel II, L.P.; Market Street Host, LLC; and Market Street :
Marriott, LLC :
:

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA:

Defendants, Marriott Hotel Services, Inc. t/a and d/b/a Philadelphia Marriott Hotel; Marriott
International, Inc.; Philadelphia Market Street Hotel Corp.; Philadelphia Market Street HMC Hotel Limited
Partnership; Philadelphia Market Street Marriott Hotel LP; New Market Street, LP; HMC Market Street, LLC;
Philadelphia Market Street Hotel II, L.P.; Market Street Host, LLC; and Market Street Marriott, LLC

(hereinafter "Marriott Defendants"), by and through their attorneys, Marshall, Dennehey, Warner, Coleman & Goggin, hereby remove the above-captioned case to this Honorable Court and provide notice of same to counsel representing the plaintiff. In support of the removal, the defendants aver as follows:

1. On June 23, 2003, the plaintiff filed a Writ of Summons.
2. On July 17, 2003, the plaintiff's Writ of Summons in the above matter was served upon the Marriott Defendants.
3. On July 28, 2003, the Marriott Defendants filed a Rule to file Complaint. The Rule to File Complaint was served upon the plaintiff on the same date.
4. On September 5, 2003, plaintiff filed a Civil Action Complaint in the above-captioned matter. A copy of plaintiff's Complaint is attached hereto as Exhibit A.
5. Plaintiff's Complaint in the above matter was served upon the Marriott Defendants on the same date.
6. In plaintiff's Complaint, the plaintiff avers that he resides in Trilby, Florida. Defendants herein believe that plaintiff was a citizen of the State of Florida on the date when this action was commenced.
7. The Marriott Defendants are incorporated in the State of Delaware with their principal place of business located at 10400 Fernwood Road, Bethesda, Maryland.
8. Upon information and belief, defendants believe and therefore aver, that the amount in controversy in this matter is in excess of \$75,000.00.
9. The above-described civil action is one in which this Honorable Court has original jurisdiction pursuant to Title 28 U.S.C. §1332. Based upon the fact that there exists diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.00, this matter is one which may be removed to this Honorable Court by Notice pursuant to Title 28 U.S.C. §1441.

WHEREFORE, the Marriott Defendants pray that the above action now pending in the Court of Common Pleas for Philadelphia County be removed to this Court.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

BY: _____

STEPHANIE K. RAWITT
Attorney ID #76892
1845 Walnut Street, 19th Floor
Philadelphia, PA 19103
(215) 575-2649

Attorney for Defendants

Dated: _____
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CERTIFICATE OF SERVICE

I, Stephanie K. Rawitt, Esquire, do hereby certify that a true and correct copy of the Notice of Removal was served upon plaintiff's counsel by first class mail at the following address:

Peter C. Gardner, Esquire
525 Baird Road
Merion Station, PA 19066

STEPHANIE K. RAWITT

DATED: _____
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**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By: Stephanie K. Rawitt, Esquire
Identification Number: 76892
1845 Walnut Street, 19th Floor
Philadelphia, PA 19103
(215) 575-2649

Attorney for All Defendants

Douglas Pennoyer, Jr.

vs.

Marriott Hotel Services, Inc. t/a and d/b/a Philadelphia Marriott Hotel; Marriott International, Inc.; Philadelphia Market Street Hotel Corp.; Philadelphia Market Street HMC Hotel Limited Partnership; Philadelphia Market Street Marriott Hotel LP; New Market Street, LP; HMC Market Street, LLC; Philadelphia Market Street Hotel II, L.P.; Market Street Host, LLC; and Market Street Marriott, LLC

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

JUNE TERM, 2003
NO. 003184

**PRAECIPE TO FILE NOTICE OF REMOVAL TO UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TO THE PROTHONOTARY:

Kindly file the attached Notice of Removal to the United States District Court for the Eastern District of Pennsylvania in the above-captioned matter.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

BY: _____
STEPHANIE K. RAWITT
Attorney for All Defendants

Dated: _____
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Douglas Pennoyer, Jr. :
vs. : CIVIL ACTION NO. 03-5060
: :
Marriott Hotel Services, Inc. t/a and d/b/a Philadelphia Marriott :
Hotel; Marriott International, Inc.; Philadelphia Market Street :
Hotel Corp.; Philadelphia Market Street HMC Hotel Limited :
Partnership; Philadelphia Market Street Marriott Hotel LP; New :
Market Street, LP; HMC Market Street, LLC; Philadelphia Market :
Street Hotel II, L.P.; Market Street Host, LLC; and Market Street :
Marriott, LLC :
:

AFFIDAVIT FOR FILING DEFENDANTS' NOTICE OF REMOVAL

TO THE CLERK:

Please note the attached Affidavit for filing of defendants' certified copy of the Notice of Removal with the Court of Common Pleas of Philadelphia, Pennsylvania.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

BY: _____

STEPHANIE K. RAWITT
Attorney ID #76892
1845 Walnut Street, 19th Floor
Philadelphia, PA 19103
(215) 575-2649

Attorney for Defendants

Dated: _____
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COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF PHILADELPHIA :

Gino Fuentes, being duly sworn according to law deposes and says that he is an employee of Cannon and is filing on behalf of the firm, Marshall, Dennehey, Warner, Coleman & Goggin, attorneys for the Marriott Defendants herein in the above-entitled action, on the _____ day of September, 2003, with the Prothonotary of the Court of Common Pleas for Philadelphia County, Pennsylvania, a certified copy of the Defendants Notice of Removal together with copies of the documents attached thereto by leaving said copies with the Prothonotary of Philadelphia County, Pennsylvania.

GINO FUENTES

SWORN TO AND SUBSCRIBED
BEFORE ME THIS _____ DAY
OF _____, 2003.

NOTARY PUBLIC
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